

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

**MARK ALLEN,**

**Plaintiff,**

**v.**

**KYLE HELTON et al.,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**NO. 1:16-cv-0011  
CHIEF JUDGE CRENSHAW**

**ORDER**

This is a civil rights action brought under 42 U.S.C. § 1983. On August 28, 2017, Plaintiff filed a Notice of Appeal (Doc. No. 60), but failed to pay the appellate filing fee or to apply in the manner required by law to proceed *in forma pauperis* on appeal. As a result, on September 7, 2017 the Court issued an order of deficiency, explaining to Plaintiff that he must pay the \$505 appellate filing fee or apply to proceed *in forma pauperis* on appeal. (Doc. No. 62.)

On September 13, 2017, Plaintiff filed a notice, in the form of a letter, requesting permission to make arrangements to pay the appellate filing fee. (Doc. No. 63.) Under the provisions of the Prison Litigation Reform Act, if a prisoner is granted pauper status on appeal, the appellate filing fee is collected over time according to the requirements set forth in 28 U.S.C. § 1915(b). However, to obtain pauper status, the prisoner must first file in the district court a motion for leave to proceed *in forma pauperis*, a certified copy of a prisoner trust account statement, and an affidavit of indigence. 28 U.S.C. § 1915(a).

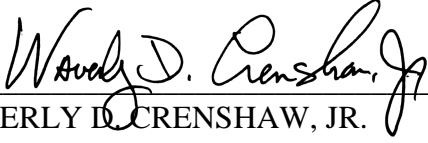
Without Plaintiff first properly filing a motion to pursue his appeal *in forma pauperis* and obtaining pauper status, he cannot rely on the provisions of 28 U.S.C. § 1915(b), which would allow him to pay the appellate filing fee over time. Moreover, his appeal cannot move forward unless and until he pays the appellate filing fee or obtains pauper status. Consequently, Plaintiff

must, on or before **October 13, 2017**, submit the \$505.00 filing fee or file a motion to pursue his appeal *in forma pauperis*.

Plaintiff is again notified that if he fails to comply with this order, the Court of Appeals may dismiss his appeal for failure to prosecute.

The Clerk is **DIRECTED** to provide notice of this Order to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED.

  
\_\_\_\_\_  
WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE